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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/780,834

Filing Date February 18, 2004

First Named Inventor Barry Silberman

Art Unit 3751

Examiner Name

Attorney Docket Number 45649-0023

**ENCLOSURES (Check all that apply)**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer                              | Form PTO/SB/08A   |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> Request for Refund                               | 6 References  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                        | Return Receipt Postcard   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | Remarks   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm or Individual name Robert M. Schwartz, Esq.  
RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.

Signature

Date June 11, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

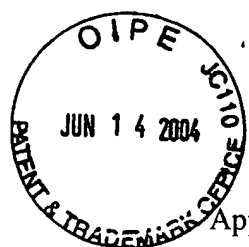
Typed or printed name Vernice V. Freebourn

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Date June 11, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barry Silberman Art Unit: 3751  
Serial No. : 10/780,834 Confirmation No.: 3749  
Filing Date: February 18, 2004  
Title : NOVELTY FLEXIBLE TOPPER DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

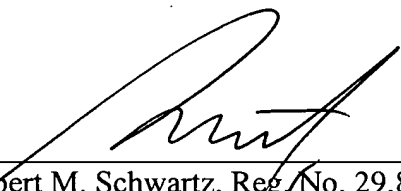
Applicant submits herewith an Information Disclosure Statement on Form PTO/SB/08A. We respectfully bring to the Examiner's attention the prior art that are mentioned and commented on, on Page No. 2 of the specification of the above-identified application

This Information Disclosure Statement is submitted prior to the mailing of the first Office Action and is, therefore, timely filed without the need for a filing fee.

The Commissioner is hereby authorized to charge any fee which may be required in this application to Deposit Account No. 182262.

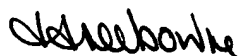
Respectfully submitted,

June 11, 2004  
Enclosures:  
Form PTO/SB/08A  
6 References

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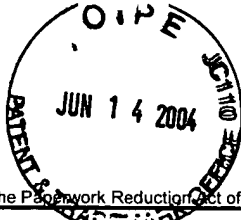
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/VERNICE V. FREEBOURNE

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/780,834        |
| Filing Date            | February 18, 2004 |
| First Named Inventor   | Barry Silberman   |
| Art Unit               | 3751              |
| Examiner Name          | -                 |
| Attorney Docket Number | 45649-0023        |

| U. S. PATENT DOCUMENTS |                          |  |                                |  |   |
|------------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials*  | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                        |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                        |                          | US- 3,134,453                            | 05-26-1964                     | S. Cirami  |   |
|                        |                          | US- 4,034,499                            | 07-12-1977                     | John J. Wild                                       |   |
|                        |                          | US- 4,495,550                            | 01-22-1985                     | Joseph Visciano                                    |   |
|                        |                          | US- 4,579,538                            | 04-01-1986                     | Sidney Bass, et al.                                |   |
|                        |                          | US- 3,615,596                            | 10-26-1971                     | Albert F. Petti                                    |   |
|                        |                          | US- 6,056,464                            | 05-02-2000                     | Wayne Cohen  |   |
|                        |                          | US-                                      |                                |  |   |
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| FOREIGN PATENT DOCUMENTS |                          |   |                                   |  |   |                |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner<br>Initials*    | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|                          |                          | Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
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| Examiner<br>Signature | Date<br>Considered |
|-----------------------|--------------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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